

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BIOTECHNOLOGY VALUE FUND, L.P.,  
BIOTECHNOLOGY VALUE FUND II,  
L.P., INVESTMENT 10, L.L.C., BVF  
INVESTMENTS, L.L.C.; BVF INC., and  
BVF X, LLC,

Plaintiffs,

v.

CELERA CORPORATION, QUEST  
DIAGNOSTICS INCORPORATED,  
CREDIT SUISSE SECURITIES (USA)  
LLC, KATHY ORDOÑEZ, RICHARD H.  
AYERS, JEAN-LUC BELINGARD,  
WILLIAM G. GREEN, PETER BARTON  
HUTT, GAIL M. NAUGHTON, WAYNE  
I. ROE, and BENNETT M. SHAPIRO,

Defendants.

No. C 13-03248 WHA

**NOTICE RE ORAL ARGUMENT**

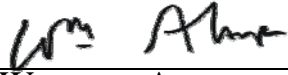
The Court has noticed that the amended complaint contains the following allegation  
(Amd. Compl. ¶ 111):

First, the clear disparity between Credit Suisse's prior probability adjustments, which it presented to the Celera Board as recently as February 3, 2011, and the substantially lower probability adjustments underlying the erroneous analysis that were derived from the same Tufts Study — which Credit Suisse presented to the Board just over one month later, during its meetings of March 7 and 17, 2011 — either did alert, or should have alerted, the Individual Defendants to Credit Suisse's stark errors.

This allegation does not appear in plaintiffs' briefs in opposing defendants' two motions to dismiss. For tomorrow's hearing, counsel for both sides should be prepared to clarify whether

1 this allegation remains operative or not. If possible, the Court would also like to see the “prior  
2 probability adjustments” that were presented to Celera’s board of directors on February 3, 2011.

3  
4 Dated: December 11, 2013.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE